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Former Prosecutor at the Nuremberg War Crimes Trial

As the *Denver Journal of International Law and Policy* celebrates its thirtieth anniversary, we dedicate this issue to honor the accomplishments of a man who has truly dedicated his life to the cause of human rights and world peace, Benjamin B. Ferencz. Benjamin B. Ferencz was a principal prosecutor at the Nuremberg war crimes trials as a young man and is an ardent proponent of the International Criminal Court. He is an inspiration to all of us to further the goal that crimes against humanity should not go unpunished.

Benjamin B. Ferencz was born in 1920 in the Carpathian Mountains of Transylvania. Before he was a year old his family immigrated to America where he was raised in Manhattan. He joined an anti-aircraft artillery battalion preparing for the invasion of France after he graduated from Harvard Law School in 1943. As the Nazi atrocities were uncovered, he was transferred to a newly created War Crimes Branch of the Army to gather evidence of Nazi brutality and apprehend criminals. After his honorable discharge on the day after Christmas in 1945, he returned to New York to practice law, but was soon recruited for the Nuremberg war crimes trials.

At the age of twenty-seven, in his very first case as an attorney, Ferencz became the Chief Prosecutor for the United States at the Nuremberg war crimes trial, which was referred to as the "biggest murder trial in history." Twenty-two defendants were charged with murdering over one million people. The United States had decided to prosecute a broad cross-section of Nazi criminals, after the conclusion of the trial against Hermann Goering and his henchmen. Overwhelming evidence indicated German doctors, lawyers, judges, generals, industrialists and others had played leading roles in perpetrating Nazi brutalities.

All of the defendants were convicted and thirteen were sentenced to death. Ferencz's primary objective had been to establish a legal precedent that would encourage a more humane and secure world in the future. He is quoted as saying:

Nuremberg taught me that creating a world of tolerance and compassion would be a long and arduous task. And I also learned that if we did not devote ourselves to developing effective world law, the same cruel mentality that made the Holocaust possible might one day destroy the entire human race.

While watching the world sink deeper in the quagmire of Vietnam in the 1970s, Ferencz began to withdraw from the private practice of law and to dedicate himself to studying and writing about world peace.¹ He believed that in order to properly denounce aggression, terrorism and other crimes against humanity, an international criminal code must first be accepted and enforced by an international criminal court. On this topic he published *DEFINING INTERNATIONAL AGGRESSION--THE SEARCH FOR WORLD PEACE* in 1975 and a two volume documentary history entitled *AN INTERNATIONAL CRIMINAL COURT--A STEP TOWARD WORLD PEACE* in 1980.

The establishment of an International Criminal Court began to be seriously explored at the end of the cold war. Since the adoption of the Rome Statute in 1998, Ferencz has actively participated at Preparatory Commission sessions for the ICC, monitoring and making available his expertise on current efforts to define aggression. Ferencz's main goal is to replace the "rule of force with the rule of law" and now that the treaty creating the International Criminal Court has come into force, this goal may finally be realized.

Ferencz strongly advocates the United States' ratification of the treaty creating the International Criminal Court. He asserts that the United States' position that a law may apply world-wide with the exception of the United States weakens our international standing. "No nation and no person has a sovereign right to commit crimes against humanity with impunity. The best way to protect our military, and the peace of the world, is through universal and equal enforcement of the rule of law for everyone."²

Benjamin B. Ferencz is a shining example of selfless service and lifelong dedication to humanity. His insistence that the law should apply equally to all resonates with the very fabric upon which our society is based. We are privileged to have such a strong representative of American ideals combating aggression and terrorism.

1. A list of articles and lectures written by Benjamin B. Ferencz is available at <http://www.benferencz.org/artis.htm>

2. Benjamin B. Ferencz, *Know The Truth About the International Criminal Court*, available at <http://www.benferencz.org/julynews.htm>



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